

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

GARY WASHINGTON,
Plaintiff,

v.

BALTIMORE POLICE DEPARTMENT,
et al.,
Defendants.

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* CASE NO.: 1:19-CV-02473-SAG

* Judge Stephanie A. Gallagher

* Jury Trial Demanded

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**DEFENDANTS’ PETITION FOR ORDER TO SHOW CAUSE FOR
ROZETTA DORSEY’S FAILURE TO COMPLY WITH SUBPOENA**

NOW COMES Defendants Thomas Pellegrini, Oscar Requer, Richard Fahlteich, John Tewey, and Frederick Ceruti (collectively the “Individual Defendants”), through their attorneys, NATHAN AND KAMIONSKI, LLP, and pursuant to Rule 45 of the Federal Rules of Civil Procedure, hereby move this Court for an Order, ordering witness, Rozetta Dorsey (“Dorsey”), to show cause why Dorsey should not be held in contempt of Court for failure to comply with a subpoena issued to her to testify at a deposition. In support of their motion, Individual Defendants respectfully state as follows.

1. Plaintiff, Gary Washington, initiated this litigation by alleging that the Baltimore Police Department and Individual Defendants violated his civil rights during their investigation of the December 27, 1986, murder of Faheem “Bo Bo” Rafiq Ali. On that date, Detective Pellegrini interviewed then, 13-year-old Rozetta Dorsey regarding the murder near the crime scene. *See* Exhibit 1. BPD Office Report.

2. On January 3, 1987, Dorsey gave a formal statement to Detective Requer in the presence of Detective Pellegrini during which she named Gary Washington as Bo Bo's murderer. *See* Exhibit 2. January 3, 1987 Statement. The statement was signed by Dorsey and witnessed by her mother, Bridgett Scott. *Id.*

3. On September 22, 2020, Dorsey signed an affidavit prepared and produced by Plaintiff's Counsel recanting the statements she made in 1986 and 1987. *See* Exhibit 3, Dorsey September 22, 2020 Affidavit)

4. On March 10, 2021, at approximately 1100 hours, Individual Defendants' Counsel's non-attorney agent attempted to contact Dorsey via telephone. Dorsey informed Individual Defendant's Counsel's agent that she, Dorsey, was not willing to speak with Individual Defendants' Counsel, and that she, Dorsey, would only speak with the State or Plaintiff's Counsel.

5. On September 23, 2021, Dorsey was personally served with a subpoena for a deposition to take place on October 26, 2021, at the offices of undersigned counsel. *See* Exhibit 4, Dorsey Deposition Subpoena and Proof of Service. At the time of service, Dorsey was provided with the contact information for Defendant's Counsel. *Id.* Ms. Dorsey never contacted Defendant's Counsel.

6. On October 26, 2021, counsel for Plaintiff, undersigned counsel and a court reporter appeared at the designated time for Dorsey's deposition. Dorsey, however, failed to appear and failed to return any of undersigned counsel's phone calls inquiring as to her whereabouts.

7. This Court "may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it." Fed. R. Civ. P. 45(g).

8. Therefore, Defendants seek a rule to show cause against Ms. Dorsey for her failure to appear for her deposition scheduled on October 26, 2021.

WHEREFORE, Defendants request that this Court enter an order to show cause why Rozetta Dorsey should not be held in contempt of court for her failure to comply with the subpoena issued to appear at her deposition, and for such other relief as this Court may deem appropriate.

DATE: January 20, 2022

Respectfully Submitted,

/s/ Theresa Concepcion

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Attorneys for Officer Defendants

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that I have caused true and correct copies of the above and foregoing to be served on all counsel of record via to the Court's CM/ECF system, in accordance with the rules of electronic filing of documents, January 20, 2022.

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